

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 279 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BH PANCHAL

Versus

SS PARMAR

Appearance:

MR PJ PATEL for Petitioner

MR RC PATHAK for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 20/06/96

ORAL JUDGEMENT

1. Rule. Mr.R.C.Pathak waives service of rule on behalf of respondents. An exparte award was passed in favour of respondent-workman and against the petitioner-management. The petitioner-Management immediately moved by an application for setting aside the exparte order. Such application was also rejected against which the present petition is filed. The

management has on earlier occasion before H.L.Gokhale,J showed its readiness and willingness to reinstate the workman in service as and when he reports for duty. Unfortunately, he reported once for duty and thereafter has disappeared and not reported for duty at all. Id.advocate for workman states that the workman has also not bothered to contact him despite registered notice. It is in this fact situation this court is required to decide this petition.

2. In the facts and circumstances of the case, having gone through the order passed by the labour court, this court is satisfied that the order, dated 16.10.95 as well as the exparte award, dated 17.1.1991 shall be quashed and are hereby quashed and set aside. The labour court is directed to restore the reference LCN No.95/83 to file and decide the same expeditiously after notice to the parties. However, in the facts and circumstances of the case, the management shall pay costs of Rs.2,500/- to the workman in case the workman himself comes personally to recover the costs. Rule is made absolute accordingly with direction as to costs as aforesaid.

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